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Via Electronic Case Filing System

Hon. Loretta A. Preska United States District Judge United States Courthouse 500 Pearl Street New York, New York 10007 April 23, 2024

Re: United States v. Smart Agunbiade, 21 Cr. 609 (LAP)

Dear Judge Preska:

On behalf of Mr. Agunbiade, we write to respectfully request an adjournment of Mr. Agunbiade's surrender date, which is currently scheduled for April 25, 2024, to May 28, 2024. On March 14, the Court adjourned Mr. Agunbiade's surrender date from March 18 to April 25, 2024 in order for him to pursue a legal claim against a landlord holding his personal property. The Court noted that any further requests to adjourn must be supported by information about the status of Mr. Agunbiade's efforts to obtain the property held by his landlord in the state court proceeding. See ECF 443.

As we discussed in our prior requests, Mr. Agunbiade is currently involved in a dispute with his former landlord, which has necessitated several prior adjournments of Mr. Agunbiade's surrender date. The litigation involves Mr. Agunbiade's landlord, who locked Mr. Agunbiade out of a building he was renting and seized many of his personal belongings, including valuables he hopes to sell to support his family and important personal items such as his birth and marriage certificates, which are relevant to his immigration status and future immigration proceedings.

When we last wrote the Court, on March 14, Mr. Agunbiade's counsel, Mr. Ahmed, requested adjournment of a pending motion to dismiss to allow additional time for Mr. Agunbiade's response. Further scheduling issues have resulted in the trial being adjourned until May 1. The docket entry reflecting the updated trial date is appended as **Exhibit A**.

An adjournment until May 25 will afford Mr. Agunbiade an opportunity to attend to these important matters before he begins service of his sentence.

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We have conferred with Pretrial and the government. Pretrial has informed us that it takes no position so long as Court approval is given, and the government objects to the request.

Respectfully submitted,

<u>/s/Arlo Devlin-Brown</u>
Arlo Devlin-Brown
Michael E. Cunniff
Mackenzie J. Dooner

Mr. Agunbiade's request to adjourn his surrender date is GRANTED. Mr. Agunbiade's surrender date is adjourned until May 28, 2024. Any further requests for adjournment must be supported by information about the status of Mr. Agunbiade's state court hearing. The Clerk of the Court shall close open docket entries 430, 442, and 450.

SO ORDERED.

Dated: April 23, 2024

LORETTA A. PRESKA, U.S.D.J.

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Exhibit A



SUPERIOR COURT OF NEW JERSEY – UNION COUNTY SPECIAL CIVIL PART – DISTRICT COURT

TRIAL NOTICE

Re: CASE CAPTION: SMART AQUUBAILE VS 463 E 1ST REALTY

DOCKET NUMBER: DC-10313-23

A trial has been scheduled in this case to take place on <u>May 1, 2024</u>, at <u>9:00AM</u> in <u>Courtroom: 3A</u> before the <u>Honorable Dara Govan, J.S.C.</u>, at the Union County Courthouse, 2 Broad Street, Elizabeth, NJ 07207.

You are receiving this notice because a trial has been scheduled in your case referenced above. If you have any questions or issues regarding your trial, please email <u>UNNLT.MAILBOX@njcourts.gov</u> or call the Special Civil Part Office at (908)787-1650, extension 22160.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately: (908)787-1650, extension 22160.

Si necesita un intérprete o algún arreglo por una discapacidad, tiene que notificárselo inmediatamente al tribunal: (908)787-1650, extension 22160.

If you need to request an adjournment (postponement) or permission to attend virtually, please contact the court at least 5 days before your trial date. All requests are subject to court approval, and you will be notified whether your request is approved.

IMPORTANT

Failure to appear for trial may result in the case being dismissed (if the plaintiff fails to appear) or in the entry of default (if the defendant fails to appear).

Prior to trial you will have the opportunity to resolve your case though a settlement program with a trained settlor. You do not have to settle your case. You have the right to a trial.

Please visit Special Civil Court | NJ Courts for general information on Special Civil Part actions.

Thank you for your attention to this matter.